

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF TENNESSEE
3 AT NASHVILLE
4 DISTRICT JUDGE CAMPBELL
5 MAGISTRATE JUDGE HOLMES
6 CASE NO. 3:23-CV-00498

7
8 MOTHER DOE AND FATHER DOE, ON BEHALF OF JOHN DOE, THEIR
9 MINOR CHILD,
10 Plaintiffs

11
12 V.
13

14 SUMNER COUNTY BOARD OF EDUCATION D/B/A SUMNER COUNTY
15 SCHOOLS,
16 Defendant
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23 DEPONENT: KATIE BROWN
24 DATE: FEBRUARY 16, 2024
25 REPORTER: MIRANDA ALLEN-STONE

1 of sexual harassment to you?

2 MR. PRESNELL: Object to the form. Calls for
3 speculation.

4 THE WITNESS: I expect them to.

5 BY MS. BAKER:

6 Q. You expect them to? Okay. How do your
7 principals know that that is the expectation?

8 A. It's part of the training.

9 Q. Part of the training? Which training?

10 A. The annual training that all staff get.

11 Q. Annual training? Okay. Now, earlier you were
12 telling me that the reports from principals or, on the
13 off occasion, a student, come from a form, a phone call,
14 or an e-mail.

15 Are you -- are you documenting those reports
16 in some database or, like, does Sumner County keep some
17 record, at a high level, of those reports?

18 A. Yes.

19 Q. Okay. Tell me about that.

20 MR. PRESNELL: Object to the form.

21 THE WITNESS: We keep data of the report, who
22 was involved, what was reported, and the outcome.

23 BY MS. BAKER:

24 Q. Is it in an Excel sheet?

25 A. Yes.

1 Q. Oh, Excel sheet. Okay. I was just throwing
2 that out here. Tell me about this Excel sheet.

3 MR. PRESNELL: Object to the form.

4 THE WITNESS: It's an Excel sheet. That's
5 where the -- the data from the reports is kept,
6 however it comes in.

7 BY MS. BAKER:

8 Q. What kind of data goes into that Excel sheet?

9 A. Identifying information about individual
10 students, the nature of the report, the date, whether a
11 discipline was issued, and if there was any
12 discriminatory aspect to it of a protected class.

13 Q. Anything else?

14 A. There may be the odd note of a specific
15 situation, sometimes, that gets in the spreadsheet.

16 Q. Okay. Are you the one filling out that
17 document? Who fills that out?

18 A. An office -- one of the people in my office.

19 Q. Okay. Who?

20 A. It varies.

21 Q. Who are all the people that would fill that
22 out?

23 A. Goodness. Any of the social workers that I
24 listed previously, my department secretary, and Dena
25 Cull, who I mentioned previously. It's more of a data

1 are kept of incidences on a district level.

2 Q. What do you mean by that?

3 A. Things that are handled on a school level may
4 be kept at the school level.

5 Q. Okay. For the ones that your office does
6 receive, are you putting them in that Excel sheet?

7 A. I'm going to have to ask you to clarify,
8 again, what reports we are talking about. I think I may
9 have gotten off -- because we've talked about bullying
10 reports, Title IX reports, and so I may have jumped into
11 the wrong area here.

12 Q. Sure. I -- well, my understanding is that you
13 were talking about bullying and harassment. But you
14 clarify for me what you're talking about on this Excel
15 sheet.

16 A. Well, bullying and harassment, but
17 discriminatory things are different.

18 Q. Okay.

19 A. If a -- you know, a Title IX -- a formal Title
20 IX investigation would be handled differently than this
21 spreadsheet.

22 Q. Okay. So a formal Title IX investigation is
23 not going into this spreadsheet?

24 A. (No verbal response.)

25 Q. Okay. So what exactly is going into this

1 Q. Okay. Who else prepares it?

2 A. Multiple people. I'm not sure who all. It's
3 a district-wide report.

4 Q. Which portion do you prepare for the federal
5 report that's given every other year?

6 A. The incidences of bullying, and then
7 incidences of arrest involving students.

8 Q. Okay. Do you have to give anything to the
9 Federal Office of Civil Rights that involves Title IX
10 violations?

11 A. As they're included in the bullying data.

12 Q. Okay. But not separately outside of the --
13 are you ever going to have a Title IX incident that does
14 not qualify as bullying?

15 A. Yes.

16 Q. Okay. So those would not be included in this
17 every other year annual report?

18 A. Correct.

19 Q. Okay. Do you-all document those that don't
20 qualify as bullying -- a Title IX violation that does
21 not qualify as bullying? Is Sumner County documenting
22 that in some way?

23 A. Well, as I said before, in investigation
24 files.

25 Q. Okay. So individual investigation files?

1 There's not a high-level document of data? There's not
2 a high -- that tells you how many Title IX
3 investigations there's been --

4 A. No.

5 Q. -- in one year or a certain year? Okay. So
6 do you have, like -- how do you organize then those
7 individual files?

8 A. Can you be more specific?

9 Q. Uh-huh. How are those records kept?

10 A. In a file folder.

11 Q. Okay.

12 A. Or in a digital file.

13 Q. Digital file? Are those organized by school?

14 A. No.

15 Q. Okay. How are they organized? Are they
16 organized by year?

17 A. No.

18 Q. Okay. How are they organized?

19 A. By name.

20 Q. By name. All right. How far back did -- does
21 that file go?

22 A. I -- I don't know.

23 Q. So Title IX, the -- or the Office of Civil
24 Rights -- the Federal Office of Civil Rights does not
25 require you to report to them how many Title IX -- I'm

1 A. I guess it depends on the situation.

2 Q. Okay. So just -- this will help me understand
3 better. With [REDACTED]'s case, did you-all follow that --
4 like, when you received the report -- and we'll get more
5 into the details of that later. But when you received
6 that report, did you follow these Title IX guidelines
7 that you're referring to?

8 A. The report did not trigger the Title IX
9 guidelines.

10 Q. Say that again?

11 A. The report didn't trigger Title IX.

12 Q. Okay. So you-all did not follow the Title IX
13 guidelines?

14 A. No --

15 Q. -- for [REDACTED]'s --

16 A. -- they did not apply to the situation.

17 Q. Right. Okay. Your position is that they
18 didn't apply. So you didn't follow them?

19 A. We didn't need --

20 Q. Right.

21 A. -- need them.

22 Q. Right. Okay. When was the last time that a
23 Title IX investigation was followed?

24 A. I couldn't say that specifically. I
25 couldn't --

1 A. I didn't offer opinion on that.

2 Q. Okay. In a -- in a normal -- so I guess -- so
3 with this [REDACTED] when you got this phone call from
4 Principal Cotter and Ron Sarver, how would you qualify
5 -- or how did you qualify that complaint you received?

6 A. As an assault.

7 Q. As an assault? Is that different than
8 bullying?

9 A. It can be.

10 Q. It can be. Okay. Was it bullying in this
11 case, or did you think that it was?

12 A. I did not think that it was.

13 Q. Okay. Why is that?

14 A. It wasn't reported as such.

15 Q. Uh-huh. So for something to qualify as
16 bullying, it has to be reported as -- like, that
17 terminology has to be used, bullying?

18 A. No.

19 Q. Okay. How do you -- how does something
20 qualify as bullying to you? What factors go into play?

21 A. Well, it's a -- a repeated, generally.
22 Imbalance of power, again. And the person feels like
23 that they can't defend themselves in this situation.

24 Q. Whenever you receive a report of assault --
25 because I -- this morning, we were talking a lot about

1 your office?

2 A. Not necessarily.

3 Q. Okay. What do you mean?

4 A. I mean, it's whether it's needed to be
5 submitted. I was directly involved in this situation.
6 And so there was not a need to submit a form to inform
7 me of it.

8 Q. Would this be -- okay. What do you mean you
9 were directly involved in this situation?

10 A. I was -- they spoke directly to me. So they
11 didn't need to write it down.

12 Q. So --

13 A. But it also was not deemed to be bullying.

14 Q. Okay.

15 A. It was not a bullying investigation, so they
16 wouldn't report it that way.

17 Q. Okay. So in a case of assault, is there some
18 form that -- some different form that is filled out?

19 A. Yes. There's a form that indicates that law
20 enforcement action was taken.

21 Q. Okay. How are you doing on break? Are --

22 A. I'm okay. I'm all right.

23 Q. You're okay? All right.

24 MR. PRESNELL: I will take one in about 15
25 minutes or so.